

United States District Court

for the
Western District of New York

In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address.)

Gmail email accounts trentclarkla@gmail.com, agar14201@gmail.com,
craigmerkin18@gmail.com and sohungrywanttacos@gmail.com

Case No. 18-mj-1053

Stored at premises controlled by Google Inc. a provider headquartered at
1600 Amphitheatre Parkway, Mountain View, CA 94043

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

Gmail email accounts trentclarkla@gmail.com, agar14201@gmail.com, craigmerkin18@gmail.com and sohungrywanttacos@gmail.com, as further described in Attachment A, attached hereto,

located in the Northern District of California, there is now concealed *(identify the person or describe the property to be seized)*:
See Attachment B, attached hereto and incorporated herein by reference.

The basis for search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of Title 18, United States Code, Sections 2251, 2252 and 2252A and Title 18, United States Code, Section 2422.

The application is based on these facts:

- ☒ continued on the attached sheet.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

JEFFREY MCAULIFFE
TASK FORCE OFFICER
FEDERAL BUREAU OF INVESTIGATION

Printed name and title

Sworn to before me and signed in my presence.

Date: April 24, 2018



Judge's signature

City and state: Buffalo, New York

JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and Title

ATTACHMENT A

ITEMS TO BE SEARCHED FOR AND SEIZED

I. Information to be disclosed by Google, Inc. (“the Provider”)

1. To the extent that the information described in the accounts *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com* are within the possession, custody, or control of the Provider, including any emails, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a request made, the Provider is required to disclose the following information for the accounts *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com*.

- a. The contents of all e-mails associated with the account, including stored or preserved copies of e-mails sent to and from the account, draft e-mails, the source and destination addresses associated with each e-mail, the date and time at which each e-mail was sent, and the size and length of each e-mail;
- b. all records pertaining to chats or Google communications and exchanges between Google email and communication accounts *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com* and other Google users;
- c. all records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, login IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- d. the types of service utilized;
- e. all records or other information stored by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files; and
- f. all records pertaining to communications between the Provider and any person regarding;
- g. the account, including contacts with support services and records of actions taken.

The information is stored by the provider headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043

ATTACHMENT B

Information to be searched for and seized

1. For the period of the creation of the *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com* e-mail and communication accounts to the present, all information described above in Section I constituting evidence of and or instrumentalities for criminal offenses under Title 18 of the United States Code, including offenses related to the sexual exploitation of minors, specifically those involving the sexual exploitation of children in violation of Title 18, United States Code, Sections 2251, 2252, 2252A, and 2422 including:

- a. visual depictions, in whatever form, of any minor engaged in sexually explicit conduct, or any digital image, message, text, email, or record showing a sexual interest in any other minor;
- b. communications concerning the production, receipt and/or possession of child pornography, and the attempted coercion and enticement of a minor to engage in prostitution or any sexual activity for which a person can be charged with a criminal offense; and
- c. records demonstrating ownership, control, subscription or use of the *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com* e-mail and communication accounts.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **JEFFREY MCAULIFFE**, being duly sworn, deposes and says:

1. I am an Investigator employed by the Niagara County Sheriff's Office, Bureau of Criminal Investigation, located in the County of Niagara, State of New York. I have been employed by the Niagara County Sheriff's Office since 2000. I am currently assigned as a Task Force Officer (TFO) to the Federal Bureau of Investigation (FBI), Buffalo Field Office, Violent Crimes Against Children Task Force, Innocent Images National Initiative, which targets individuals involved in the on-line sexual exploitation of children, and have been so since January, 2014. As part of my daily duties as a Task Force Officer with the FBI, I investigate crimes involving child exploitation and child pornography including violations of Title 18, United States Code, Section 2422 (coercion and enticement of a minor), and Title 18, United States Code, Sections 2251, 2252, and 2252A (producing, receiving, and/or possessing child pornography). I have received specialized training in the area of child pornography and child exploitation, and I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252, 2252A, and 2422. I have also participated in various FBI training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

2. I make this affidavit in support of an application for a search warrant for information associated with email and communication accounts that are stored at premises owned, maintained, controlled, or operated by Google Inc., a provider headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043 ("Google"), namely account *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com*, which are identified and described below. This affidavit is made in support of an application for a search warrant, pursuant to Federal Rule of Criminal Procedure 41 and Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), for Google to disclose records and other information in its possession pertaining to the subscriber(s) and/or customer(s) associated with account *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com*, including the contents of communications, as further described in Attachment A.

3. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and review of documents and records during the investigation. As set forth in more detail below, there is reasonable cause to believe that evidence, contraband, fruits and instrumentalities of violations of Title 18, United States Code, Sections 2251 (sexual exploitation of children), and 2252 and 2252A (receipt and/or possession of child pornography), and Title 18, United States Code, Section 2422 (coercion and enticement of a minor) are located within Google account *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com*.

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause to secure a search warrant, I have not included every detail of every aspect of the ongoing criminal investigation. Rather, I have set forth facts that I believe are necessary to establish probable cause to believe that evidence of violations of Title 18, United States Code, Sections 2251 (sexual exploitation of children), and 2252 and 2252A (receipt and/or possession of child pornography), and Title 18, United States Code, Section 2422 (coercion and enticement of a minor) are presently located in and associated with the Google account *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com*.

COMPUTER TERMS USED IN THIS AFFIDAVIT

5. The Internet is a worldwide computer network that connects computers and allows communications and the transfer of data and information across state and national boundaries. A user accesses the Internet from a computer network or Internet Service Provider (ISP) that connects to the Internet. The ISP assigns each user an Internet Protocol (IP) Address. Each IP address is unique. Every computer or device on the Internet is referenced by a unique IP address the same way every telephone has a unique telephone number. An IP address is a series of four numbers separated by a period, and each number is a whole number between 0 and 255. An example of an IP address is 192.168.10.102. Each time an individual accesses the Internet, the computer from which that individual initiates access is assigned an IP address. A central authority provides each ISP a limited block of IP addresses for use by that ISP's customers or subscribers. Thus, by ascertaining

the IP address relating to a specific message sent or action taken over the Internet, it is possible to determine the ISP and even the individual computer responsible.

6. As is the case with most digital technology, communications by way of computer can be saved or stored on the computer used for these purposes. Storing this information can be intentional, i.e., by saving an e-mail as a file on the computer or saving the location of one's favorite websites in, for example, "bookmarked" files. Digital information can also be retained unintentionally, e.g., traces of the path of an electronic communication may be automatically stored in many places (e.g., temporary files or Internet Service Provider client software, among others). In addition to electronic communications, a computer user's Internet activities generally leave traces or "footprints" in the web cache and history files of the browser used. Additionally, a computer also creates logs, indices, and registries indicating when a computer was used, which user was logged on, and when data was accessed, shared, transferred, or downloaded. A forensic examiner can often recover internet search history, chat sessions, and e-mails sent from the computer. Cellular telephones also allow the user to save or store text messages and e-mail messages received by the phone, for later viewing or distributing, and even if deleted, a forensic examiner can often recover evidence of such text messages and e-mail messages.

7. Computer files or remnants of such files can be recovered months or even years after they have been downloaded onto a hard drive, deleted, or viewed via the Internet. Electronic files downloaded to a hard drive can be stored for years at little to no cost. Even when such files have been deleted, they may be recoverable months or years

later using readily available forensic tools. When a person "deletes" a file on a home computer, the data contained in the file does not actually disappear; rather, that data remains on the hard drive until it is overwritten by new data. In addition, a computer's operating system may also keep a record of deleted data in a "swap" or "recovery" file. Similarly, files that have been viewed via the Internet are automatically downloaded into a temporary Internet directory or cache. The browser typically maintains a fixed amount of hard drive space devoted to these files, and the files are only overwritten as they are replaced with more recently viewed Internet pages. Thus, the ability to retrieve residue of an electronic file from a hard drive depends less on when the file was downloaded or viewed than on a particular user's operating system, storage capacity, and computer habits.

8. "Social networking" or "social network service" is a term used to describe applications or websites which focus on establishing networks or relationships among individual users based on interests or activities. These services typically consist of a personal online representation of an individual, often referred to as a profile, a list of other individuals with which a person has interests or allowed to view their profile, and a variety of other capabilities, such as the upload and sharing of images and videos. Newer capabilities allow access to the social networks via mobile devices such as cellular telephones and the upload of real-time information to an individual's profile. Most, if not all, of the social networks are accessible via the Internet and allow a member to contact other members via e-mail, instant messaging, or comments placed directly to a member's profile. Normally, information posted by individuals to their own or another individual's profiles are not vetted for accuracy or content.

9. In my training and experience, I have learned that Google and GMX provide a variety of online services, including e-mail access, to the general public. These providers allow subscribers to obtain e-mail accounts at the provider's domain name (e.g., gmail.com, gmx.com). Subscribers obtain an account by registering with the service provider and then access that account using the internet.

CHILD PORNOGRAPHY AND COMPUTERS

10. Computers and computer technology have revolutionized the way in which individuals interested in the coercion and enticement of minors to engage in sexual activity interact with each other. These individuals use online resources to communicate with other like-minded adults as well as minor children, including services offered by Internet Portals such as Yahoo!, Google and Hotmail, among others. The online services allow a user to set up an account with a remote computing service that provides email services as well as electronic storage of computer files in a variety of formats. A user can set up an online storage account from any computer with access to the internet. Evidence of such online storage of communication is often found on the user's computer.

11. Based upon my knowledge, experience, and training in child enticement investigations, and the training and experience of other law enforcement officers with whom I have had discussions, those who entice minors to engage in sexual activity also may correspond with and/or meet others to share information and materials; rarely destroy correspondence or images received from other child pornography distributors/collectors; conceal such correspondence as they do their sexually explicit material; and often maintain

lists of names, addresses, and telephone numbers of individuals with whom they have been in contact and who share similar interests in child enticement.

12. Based upon my knowledge, experience and training in child enticement investigations, I have learned that Craigslist is a classified advertisements website with sections devoted to jobs, housing, services, missed connections and, until very recently a personal section. Over the years Craigslist has become a very popular online destination for arranging for dates and sex. The personals section allows for postings that are for “dating/romance” and “casual encounters”.

13. In my training and experience, I have learned that Craigslist utilizes a two-way email system. The relay protects the email addresses for both the individual who posted an advertisement and any individual who responds to an advertisement. The system is in place to prevent users from collecting email addresses to sell to spammers. It’s also designed to help stop scams, which are prevalent on Craigslist. When you respond to an ad, Craigslist automatically converts the poster’s email address to an anonymous version that’s routed through the Craigslist servers. The same happens when the poster responds to you. Instead of an email address, the original poster will see an anonymous address, like “abcde-0123456789@reply.craigslist.org

14. While Craigslist utilizes a two-way email relay, it is still possible to reveal more information than a user may intend. This is because Craigslist displays the “real name field” of your email. If you have your email set to your true first and last name, this information will be visible to the recipient. In my training and experience, I have learned

that Craigslist users often create email accounts with fictitious names and often employ one or more such accounts in an effort to conceal their true identity.

15. In my training and experience, I have learned that Google provides a variety of on-line services, including electronic mail ("e-mail") access, to the general public. Google allows subscribers to obtain e-mail accounts at the domain name google.com like the e-mail accounts listed. Subscribers obtain an account by registering with Google.

16. Another service offered by Google is "Google Voice", which provides a telephone number for calls, text messages, and voicemail. Google Voice can be used on smartphones and computers, and can link the telephone number provided to a mobile telephone number or landline telephone number. Google Voice enables the subscriber to text from a computer or mobile telephone device, read voicemail and search through voicemail like email. Additionally, the subscriber can receive telephone calls to the Google Voice telephone number using "Google Hangouts" online, as well as on Gmail. Google Hangouts online is a communication platform which includes instant messaging, video chat, SMS, and VOIP (voice over internet protocol). "Click2Call" is a feature wherein Google Voice calls the subscriber's telephone number, and when the subscriber picks up the telephone call, Google Voice calls the number the subscriber is attempting to call/dial.

17. In order to obtain a Google Voice account, a subscriber must first register for a Google email account. During the registration process for a Google email account, Google asks subscribers to provide basic personal information. Thus, the computers of

Google are likely to contain stored information concerning subscribers and their use of Google services, such as account access information, e-mail transaction information, and account application information, along with electronic communications (including retrieved and un-retrieved e-mail for Google subscribers), during the use of the Google email account.

18. When the subscriber sends an e-mail from the user's computer, that email is transferred over the internet to Google's servers, and transmitted to its end destination/the intended recipient. In general, an e-mail sent to a Google subscriber is stored in the subscriber's "mail box" on Google servers until the subscriber deletes that e-mail. Google often saves a copy of the e-mail sent from the Google server, which can remain on the system indefinitely.

19. A sent or received e-mail typically includes the content of the message, source and destination addresses, the date and time when the e-mail was sent, and the size and length of the e-mail. If an e-mail user drafts an email message but does not send it, that message may also be saved by Google, but may not include all of these categories of data.

20. A Google subscriber also can store files, including e-mails, address books, contact or buddy lists, calendar data, pictures, and other files, on servers maintained and/or owned by Google which allows users to search for videos on the internet. Further, Google has a chat application that allows users to send and receive instant messages, which may be stored on and retrieved from Google servers.

21. In general, e-mail providers like Google ask subscribers to provide certain personal identifying information when registering for an e-mail account, such as the subscriber's full name, physical address, telephone numbers, and other identifiers, and alternative e-mail addresses. For paying subscribers, e-mail providers like Google request information concerning the means and source of payment, including a credit card number or bank account number.

22. E-mail providers typically retain certain transactional information about the creation and use of each account on their systems, including the date the account was created, the length of service, records of login (e.g., session) times and durations, types of service utilized, status of the account (including whether the account is inactive or closed), methods used to connect to the account (such as logging into the account via Google's website), and other log files that reflect use of the account. In addition, e-mail providers often have records of the Internet Protocol address (IP address) used to register the account and IP addresses associated with particular logins to the account. Because every device that connects to the internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the e-mail account.

23. In some cases, e-mail account users will communicate directly with an e-mail service provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. E-mail providers typically retain records about such communications, including records of contacts between the user and the provider's

support services, as well as records of any actions taken by the provider or user as a result of the communications.

24. Based on my training and experience, and information provided by other law enforcement officers, evidence of the identity of the individual using an e-mail account may be found in address books, contact or buddy lists, e-mail in the account, and attachments to e-mails, including pictures and files.

BACKGROUND OF INVESTIGATION

25. On April 9, 2018, as part of an undercover online ads investigation, your affiant, acting in an undercover capacity (UC) posted an ad to the website, "Craigslist". The title of the ad was "mommy zoey is back (Lockport)". The narrative portion of the ad stated; "Back in town for a few days with my daughter lookin for some gentlemanly companionship :)".

26. On April 9, 2018 your affiant received an email which was relayed through Craigslist's 2-way email relay. The email appeared with the screen name; "Matt Domanski" SUBJECT. The emails between UC and SUBJECT follow:

- a. On April 9, 2018 at 11:19 a.m., SUBJECT messaged UC: "So, what do you have in mind? Pics? Donation to you?"
- b. On April 9, 2018 at 11:26 a.m., UC responded: "Hey baby, just looking for some fun (*smiley face emoji). She is very cute, almost 13, loves to have fun! I am caring and supportive and don't like to BS. U be kind, clean and fun! Donation amt. depends on what you want sweetie! No law enforcement."

- c. On April 9, 2018 at 11:30 a.m., SUBJECT asked: "you have a phone#?"
- d. On April 9, 2018 at 11:33 a.m. UC answered: "sure baby, text 585 – XXX-XXXX. What # are you texting from?"

27. On April 9, 2018 at 11:41 a.m. UC received a text message from phone number 716-791-9963 (SUBJECT). The message stated: "hey, I emailed you, from cl.". SUBJECT continued to correspond with UC via phone texting from April 9 through and including April 12, 2018. Excerpts and summaries of the communications follow:

- a. On April 9, 2018, UC stated; "Not in town til Wednesday most likely. R u close to Lockport? SUBJECT answered; "yeah. I'm near Lockport." Followed by; "let me know. Pics would be helpful". UC responded; "Ok baby, I'll send a pic of her later!" SUBJECT replied; "if you don't mind, put a note with the date on the pic so I know it's real". About 3 hours later, SUBJECT asked; "hey zoey, do I still get a pic and details?" UC responded; "Pic later, yes on details, what do you want to do?" Two hours later, SUBJECT replied; "ok. So I guess you aren't for real." UC answered; "Told u I'd send a pic later, let's talk tomorrow".
- b. On April 10, 2018 at 8:49 a.m., SUBJECT messaged; "lol. Still no pic?" UC replied; "Pics tomorrow if your interested". SUBJECT went on to say; "I'm kind of losing interest. I think this might be a joke" and; "I'm probably not going to. No answer/nor pic. Prove me wrong and I'll double the \$\$ amount you are asking for. UC responded by texting a picture of a female holding a piece of paper (female UC 1) with the following message hand-written on it; "April 10, 2018". The next message from SUBJECT stated; "ok, I'm in. where will you be at" UC answered; "Lockport for sure – let u know which hotel tomorrow ok?" SUBJECT answered; "ok"
- c. On April 11, 2018 UC asked; "Hey baby, are u gonna want ½ hr or an hour?" SUBJECT replied; "are you still serious?" UC answered; "Yes sweetie, r u?" SUBJECT stated; "yeah. So, what's goingon?" UC stated; "Ready when u r baby, u ok with condoms right? Unless you just want oral" SUBJECT answered; "Hmmm. So." SUBJECT then stated; "call me".

- d. On April 12, 2018 UC observed an incoming phone call from SUBJECT. UC did not answer but responded with a text asking; "Did u call me?" SUBJECT answered; "hi. Yeah. I did." Followed by; "did you get a place yet?" UC responded; "Yeah but I need to know what time if we're gonna stay in this same hotel" and; "when would you be coming?" SUBJECT then stated; "call me" and "if you are available" and "and real, which I guess you are not?" UC responded; "One minute babe".
- e. On April 12, 2018 at 10:06 a.m. (female UC 2) called 716-791-9963 and spoke with SUBJECT. Excerpts of the phone call follow: UC; "Is this something you wanna do?" SUBJECT; "sure, sure". UC; "I'm in L>ockport, I don't know if that's an issue, I'll be available at like twelve". SUBJECT responded; "At twelve, ok, so you're available? Where at?" UC answered; "There's a Hampton Inn on South Transit, it's kinda new". SUBJECT asked; "Ok, is this legit?" UC asked; "What?" to which SUBJECT replied; "Is this like a set-up or anything? Is this legit?" UC answered; "uh yeah, what do you mean?" and subject stated; "just making sure". UC stated; "I gotta make sure my baby girl is protected, I gotta know what exactly you want and I usually tell her kind of what to expect". SUBJECT replied; "That's fine, how often do you do this?" UC answered; "every couple of months, when I need some cash". SUBJECT then asked; "alright, how much?" UC answered; "It's usually a hundred and twenty". SUBJECT replied; "ok great, that's fine". UC added; "and I don't have condoms, so if I need to get them, can you bring one? Are you even gonna use one?" To which SUBJECT replied; "Yeah, absolutely". UC then stated; "ok, alright" and SUBJECT again asked; "Ok, are you sure this is legit? Is she around?" UC answered; "She is not around right now, like I have to go get her".
- f. On April 12, 2018 at 12:20 p.m. text messaging resumed between SUBJECT and UC. SUBJECT stated; "I can be there in an hour, can I have pic proof, I'm just being careful". UC responded by sending another image of (female UC 1) holding a piece of paper with hand written words "April 12 2018". SUBJECT stated; "ok. Like 5 minutes away" to which UC replied; "Ok sweetie, let me know when u get here". At 1:49 p.m. SUBJECT advised; "I'll call you but my # may show up as unavailable. It does that".
- g. On April 12, 2018 at 1:56 p.m. (female UC 1 answered a restricted phone call from SUBJECT who indicated that he was parked by the side entrance of the hotel. SUBJECT stated he'd be more comfortable if someone met him at the door. (female UC 1) met SUBJECT at the side entrance to the hotel and let him in. SUBJECT asked (female UC) if she was a cop. (Female UC 1) asked SUBJECT if he was a

cop, to which SUBJECT replied; "no". UC then accompanied SUBJECT upstairs. SUBJECT stated that he was "nervous" and asked if UC could bring the girl out of the room to meet him. UC stated; "No, she's twelve, I'm not having her walk around the hotel".

28. On April 12, 2018 at approximately 1:58 p.m. SUBJECT entered the hotel room behind (female UC 1) where he was confronted by your affiant. During the subsequent search of the SUBJECT two condoms and two fifty dollar bills were discovered in his front pants pocket. SUBJECT also had in his possession a ZTE cell phone model Z831 IMEI: 869641028598986. SUBJECT stated that his phone number is **7165789708**.

29. On April 12, 2018 SUBJECT provided written consent to the search of his above ZTE cell phone. Results of the search of SUBJECT's phone include but are not limited to the discovery of the Google email and communication accounts; *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com*.

30. On April 12, 2018 a subpoena was issued to Craigslist requesting information regarding email accounts which had responded to the advertisement titled: "mommy zoey is back (Lockport)".

31. On April 12, 2018 Craigslist responded to the subpoena citing the email and communication account *trentclarkla@gmail.com* as one of the accounts which responded to the advertisement.

32. On April 13, 2018 preservation requests were made for the Google email and communication accounts; *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com*.

33. On April 13, 2018 subpoenas were issued to Google, Inc. for subscriber information related to the accounts *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com*.

34. On April 13, 2018 Google, Inc. responded to the subpoena. The response in reference to the account *trentclarkla@gmail.com* included the name: *matt domanski* as well as the phone number: *17165789708*. The response in reference to the account; *craigmerkin18@gmail.com* also included the phone number *17165789708*.

35. Based on my training and experience, and the foregoing, I believe that SUBJECT is using Google email and communication accounts *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com* to engage in conduct that violates Title 18, United States Code, Sections 2251 (sexual exploitation of children), and 2252 and 2252A (receipt and/or possession of child pornography, and Title 18, United States Code, Section 2422 (coercion and enticement of a minor).

INFORMATION TO BE SEARCHED FOR AND ITEMS TO BE SEIZED


36. Based on the foregoing, there is probable cause to believe that email and communication accounts *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com*, as described in attachment A, and that is stored at premises owned, maintained, controlled, or operated by Google Inc., a provider headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043 ("Google"), contains evidence, fruits and/or instrumentalities of violations of Title 18, United States Code, Sections 2251 (sexual exploitation of children), and 2252 and 2252A (receipt and/or possession of child pornography) and Title 18, United States Code, Section 2422 (coercion and enticement of a minor).

CONCLUSION

37. Based on the foregoing, I believe that probable cause exists to believe there have been violations of Title 18, United States Code, Sections 2251 (sexual exploitation of children), and 2252 and 2252A (receipt and/or possession of child pornography), and Title 18, United States Code, Section 2422 (coercion and enticement of a minor), and that there is probable cause to believe that within the account listed in Attachment A, there is located those items set out in Attachment B.

38. Further, it is respectfully requested that this Court issue an Order sealing all papers in support of this Application, including the Application, Affidavit and Search Warrant, and the required inventory notice (with the exception of one copy of the warrant and the inventory notice that will be left at the accounts/premises to be searched), until


further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to the target(s) of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize the ongoing criminal investigation.



JEFFREY MCAULIFFE
Task Force Officer
Federal Bureau of Investigation

Sworn to and subscribed before

me this 24th day of April, 2018.



JEREMIAH J. MCCARTHY
United States Magistrate Judge

ATTACHMENT A

ITEMS TO BE SEARCHED FOR AND SEIZED

I. Information to be disclosed by Google, Inc. (“the Provider”)

1. To the extent that the information described in the accounts *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com* are within the possession, custody, or control of the Provider, including any emails, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a request made, the Provider is required to disclose the following information for the accounts *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com*.

- a. The contents of all e-mails associated with the account, including stored or preserved copies of e-mails sent to and from the account, draft e-mails, the source and destination addresses associated with each e-mail, the date and time at which each e-mail was sent, and the size and length of each e-mail;
- b. all records pertaining to chats or Google communications and exchanges between Google email and communication accounts *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com* and other Google users;
- c. all records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, login IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- d. the types of service utilized;
- e. all records or other information stored by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files; and
- f. all records pertaining to communications between the Provider and any person regarding;
- g. the account, including contacts with support services and records of actions taken.

The information is stored by the provider headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043

ATTACHMENT B

Information to be searched for and seized

1. For the period of the creation of the *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com* e-mail and communication accounts to the present, all information described above in Section I constituting evidence of and or instrumentalities for criminal offenses under Title 18 of the United States Code, including offenses related to the sexual exploitation of minors, specifically those involving the sexual exploitation of children in violation of Title 18, United States Code, Sections 2251, 2252, 2252A, and 2422 including:

- a. visual depictions, in whatever form, of any minor engaged in sexually explicit conduct, or any digital image, message, text, email, or record showing a sexual interest in any other minor;
- b. communications concerning the production, receipt and/or possession of child pornography, and the attempted coercion and enticement of a minor to engage in prostitution or any sexual activity for which a person can be charged with a criminal offense; and
- c. records demonstrating ownership, control, subscription or use of the *trentclarkla@gmail.com*, *agar14201@gmail.com*, *craigmerkin18@gmail.com* and *sohungrywanttacos@gmail.com* e-mail and communication accounts.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IN RE:

v.

18-mj-1053

Gmail email accounts trentclarkla@gmail.com,
agar14201@gmail.com, craigmerkin18@gmail.com
and sohungrywanttacos@gmail.com

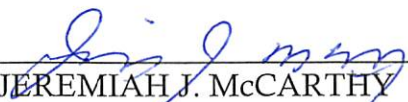
Stored at premises controlled by Google Inc.
a provider headquartered at
1600 Amphitheatre Parkway
Mountain View, CA 94043

ORDER

NOW, upon the request of the government and pursuant to Rule 41(d) of the Local Rules of Criminal Procedure for the Western District of New York, the Search Warrant, Search Warrant Application, Search Warrant Affidavit and inventory return is requested to remain under seal for 60 days, without prejudice to the government's right to seek an extension of that period.

ORDERED that this matter will remain sealed for 60 days, without prejudice to the government's right to seek an extension of that period.

DATED: Buffalo, New York, April 24, 2018.


JEREMIAH J. McCARTHY
United States Magistrate Judge